



U.S. DEPARTMENT of STATE

Mauritius

Country Reports on Human Rights Practices - [2004](#)

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The Republic of Mauritius is a parliamentary democracy governed by a prime minister, a council of ministers, and a national assembly. In September 2003, the Prime Minister, Sir Anerood Jugnauth, became Head of State, while the Deputy Prime Minister, Paul Raymond Berenger, became Prime Minister. The power sharing agreement was negotiated during the 2000 electoral season between the two coalition government parties, the Mauritian Socialist Movement (MSM), and the Militant Mauritian Movement (MMM). National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the 2000 national elections were free and fair and resulted in a victory for the opposition MSM and the MMM coalition. There were numerous political parties, and politics were open and vigorous. The judiciary is independent.

The Mauritius Police Force (MPF), responsible for internal security, includes a paramilitary Special Mobile Force. The country does not have a military force separate from the MPF. The Coast Guard, the Special Mobile Force, and police all report to the Commissioner of Police. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The market-based economy consisted of labor-intensive, export-oriented manufacturing (mainly textiles), sugar, tourism, and nascent financial services and information technology sectors. During the year, the country's population was estimated at approximately 1.2 million. In 2003, economic growth was estimated at 4.6 percent. Wages kept pace with inflation.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that police abused suspects and detainees. Unlike in the previous year, police did not restrict freedom of assembly. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of workers in the Export Processing Zone (EPZ). Child prostitution and child labor occurred.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

During the year, a prison official and seven prisoners were charged with manslaughter for the 2001 beating death of a man in prison. The trial was ongoing at year's end.

At year's end, the judicial inquiries into the two deaths in police custody in 2002 were completed; however, the Director of Public Prosecution (DPP) had not decided whether to proceed with prosecution.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there continued to be reports of abuses by police. For the second consecutive year, the National Human Rights Commission (NHRC) criticized police for continued allegations of brutality. The NHRC received 150 complaints through November, of which 24 were for alleged physical brutality by police. Allegations in six cases were that police beat suspects to obtain confessions. Additionally, the Complaints Investigation Bureau, an office in the Police Department,

received 160 complaints against police involving alleged brutality or use of force during the year.

In February, press reports alleged that three police officers stripped and beat a 17-year-old man at a police station after he had asked the officers to slow down their police car. Authorities did not take any action against the officers.

Prison conditions generally met international standards, although there were problems in some areas. In 2003, a report by the Assistant Commissar of Police and the National Intelligence Unit reported that the Beau-Bassin Prison was home to drug trafficking, illegal betting, and sex commerce. In June, a daily newspaper reported that there had been little progress by the Prime Minister's office to improve the prisons since the 2003 report. Food, water, and medical care were available to all prisoners, and sanitation was adequate.

On April 27, a 25-year-old prisoner of the Beau-Bassin prison alleged that he was beaten unconscious by members of the prison security squad. According to press reports, the prisoner had complained to prison officials about the mattress in his cell, and prison security forces allegedly beat him in retribution. Afterward, a short prisoner uprising took place, with approximately 200 prisoners refusing to eat dinner and re-enter their cells. Police and an internal prisons investigation found that no brutality took place.

In October, a weekly newspaper alleged that officers of the Rehabilitation Youth Center (RYC), a halfway house for male child offenders, had sexually and physically abused inmates. No action against the officers was taken; however, an official of the Ministry of Social Security, which has responsibility for the center, said that the Ministry would put video cameras throughout the center in response to the abuse reports.

During the year, 1 prisoner died in custody and 11 died in prison. According to the Prisons Service, all those in custody died either from suicide or natural causes.

Women were held separately from men, and juveniles were held separately from adults. Pretrial detainees were held separately from convicted prisoners. HIV positive prisoners were held separately from the general prison population.

The Government permitted prison visits by independent observers. During the year, the press, the NHRC, and international organizations made regular prison visits. At least one nongovernmental organization (NGO) was actively involved in rehabilitation of prisoners.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The MPF is a national force headed by a Commissioner of Police who has authority over all security and police forces, including the Special Mobile Forces, a paramilitary unit that shares responsibility with police for internal security. Unlike in past years, there were no reports that the security forces were trained inadequately to prevent or control rioting, or to investigate violent crimes. During the year, the Independent Commission Against Corruption continued an investigation against the second in command of the Central Investigative Bureau for staying at a luxury hotel free of charge.

The law requires that all arrested persons must be charged, read their rights, including the right to remain silent and the right to an attorney, and brought before the local district magistrate within 48 hours; these rights generally were respected. The law permits a 36 hour detention of suspects without legal counsel; however, police in some cases delayed suspects' access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access. A suspect can be detained for up to 1 week, after which the issue of bail is brought before a magistrate. Alternatively, with agreement from police, the accused may be released on bail the same day as the arrest.

The Dangerous Drugs Act allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The DPP determines which court hears particular cases based on the severity of the crime and anticipated punishment. All crimes carrying the death penalty or life imprisonment are sent to the Supreme Court, crimes of a medium level of severity are sent to the intermediate courts, and less serious cases are handled by the district courts.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

The independent media were active and expressed a wide variety of views without restriction. More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government did not use these measures. Libel suits between private parties were common.

Three independent, private radio stations operated during the year.

Domestic television was government owned and is regulated. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, were available to the public by subscription.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Police permission is required for demonstrations and mass meetings, but such permission was not refused during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations and faiths that were present in the country prior to independence, such as the Roman Catholic Church, the Church of England, the Presbyterian Church, the Seventh-day Adventists, Hindus, and Muslims, receive a lump sum payment every year from the Ministry of Finance based upon the number of adherents, as determined by a 10-year census. Newer religious organizations (which must have a minimum of seven members) were registered by the Registrar of Associations and were recognized as legal entities with tax free privileges. No groups were refused registration.

Underlying tensions between various ethnic and religious groups persisted, but there were no violent confrontations during the year. Some ethnic minorities, particularly those of Creole and Muslim background, alleged that within the upper echelons of the civil service, a glass ceiling prevented them from promotion to the higher levels of government.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not use it.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, but the Government did not grant refugee status or asylum on the grounds that the country was small, had limited resources, and did not wish to become a haven for large numbers of refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in

practice through periodic, free, and fair elections held on the basis of universal suffrage.

According to international and local observers, national elections held in 2000 were free and fair. The opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition.

In September 2003, the President, Sir Anerood Jugnauth, who formerly served as Prime Minister, became Head of State, while Paul Raymond Berenger, who formerly served as Deputy Prime Minister, became Prime Minister. In accordance with the Constitution, the President is nominated by the Prime Minister and confirmed by the National Assembly. Prime Minister Berenger assumed his position as part of a power-sharing agreement negotiated in 2000 between the two parties of the ruling coalition, the MSM and the MMM. The agreement stipulated that the leader of the MSM would lead the Government for the first 3 years of the 5-year term, after which the head of the MMM would take over as Prime Minister, and the MSM leader would become President. This transition occurred on schedule in 2003, making Berenger the first Christian, non-Indian-descent head of government since independence.

In 2002, the island of Rodrigues successfully held its first elections for a regional elected assembly. The creation of the assembly was a first step toward a decentralized and autonomous island of Rodrigues. The assembly worked with the central Government in controlling funds for Rodrigues.

Although historically the Hindu majority dominated politics, there were no groups that were excluded from the political system.

There was a public perception that corruption existed in the legislative and executive branches. The law provided for access to government information, and the Government generally complied with requests.

There were 4 women in the 70-seat National Assembly, and there was 1 female minister in the 24-member Cabinet.

Candidates for the National Assembly were required to identify themselves with one of four distinct ethnic groupings Hindu, Muslim, Sino Mauritian, or general population. For these purposes, "general population" was the category used to describe primarily the Creole and Franco Mauritian communities. Based on these 4 categories, the 70-seat National Assembly had 37 Hindus, 21 members of the general population, 11 Muslims, and 1 Sino-Mauritian, and among the 24 members of the Cabinet, there were 16 Hindus, 3 Muslims, and 1 Sino Mauritian. In November, one minister from the general population category resigned because of political disagreements with the Prime Minister, thus reducing the general population number in the Cabinet to four members.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The NHRC investigated complaints of human rights abuses and was composed of a commissioner, who must be a former Supreme Court judge, and three other members, one of whom must be a lawyer or a judge with 10 years of experience, and two of whom must have experience in the human rights field. The NHRC is authorized to investigate abuses by any public servant, but it could not investigate complaints that were already the subject of an inquiry by the DPP, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC had the authority to visit centers of detention or prisons and to assess and make recommendations on conditions. The NHRC tries to resolve complaints through conciliation, but if that is not successful, it can forward cases to the DPP (if criminal in nature), to the service commissions, or to the responsible authority in question. During the year, the NHRC received 24 complaints of police brutality (see Section 1.c.).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, or sex, and the Government generally enforced these provisions. Some societal discrimination occurred.

Women

The law criminalizes domestic violence and provides the judicial system with power to combat this problem; however, in practice, domestic violence against women, particularly spousal abuse, was a problem. Many victims chose not to prosecute or report their attacker, presumably due to cultural pressures. In June, the Ministry of Women's Rights, Child Development, and Family Welfare, in collaboration with the Ministry of Health, released a guide for medical practitioners to help identify victims of family violence. In 2001, the NGO SOS Femmes reported that 84 percent of the women surveyed said they were victims of physical abuse.

The law criminalizes the abandonment of one's family or pregnant spouse for more than 2 months, the nonpayment of court ordered food support, and sexual harassment; however, many women remained in abusive situations for fear of losing spousal financial support. A magistrate can order a spouse to pay child support, but there were reports that some spouses stopped

working to avoid payment.

Although specific laws make rape illegal, including spousal rape, it was a problem.

Prostitution is illegal; however, there were reports of prostitution during the year.

Traditionally, women have played subordinate roles in society, and societal discrimination continued; however, women had access to education, employment, and government services.

In October, a report sponsored by the United Nations Development Program (UNDP) and prepared by Global Women Business Leaders found that women were underrepresented in board membership and the decisionmaking level in the private sector; the report suggested steps to improve the situation, but no remedial steps had been taken by year's end.

The Sex and Discrimination Act affords women broadly defined wage protections, and the law was generally respected in practice.

In the agricultural sector, the law protects women from being forced to carry loads above certain weight limits; however, remuneration was determined by the amount that one was able to carry during a period of time. As a result, women working in agriculture were often paid less than men because they carried loads that weighed less.

Children

The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. In 2003, the Government created an Ombudsman for Children's Issues and made the position responsible for ensuring that the rights, needs, and interests of children are given full consideration by government, private authorities, individuals, and associations.

Education is tuition free and compulsory until the age of 12. Books are free for primary school, but not for secondary school. Those parents that could not afford books could apply to the Government for an exemption and receive books free of charge. According to the Ministry of Education, in 2003, attendance at the primary level was nearly 100 percent, but only 68 percent at the secondary level. The majority of children finished a secondary level of education. Girls and boys were treated equally at the primary, secondary, and post-secondary levels.

The Government provided full medical care for children.

Under the law, certain acts compromising the health, security, or morality of a child are crimes; however, the Government was unable to enforce complete compliance with the law. During the year, the Child Development Unit received 3,141 reports of child abuse. Of this figure, there were 148 cases of parental physical abuse, 78 cases of intercourse with minors (under age 16), and 48 cases of physical abuse by nonfamily members. Private voluntary organizations claimed that the problem was more widespread than was acknowledged publicly. The state funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development administered most government programs. Both provided counseling, investigated reports of child abuse, and took remedial action to protect affected children.

Under the law, children involved in child pornography and prostitution are offered social aid, while adult offenders are prosecuted; however, child prostitution was a problem, and the Government targeted child prostitution as a top law enforcement and prevention priority. The Government continued a 5-year action plan to combat child prostitution. The Ministry of Women, Child Development, and Family Welfare ran a hotline for reporting cases of child prostitution. Some NGOs formed regional awareness networks and developed training materials for educators. For example, in July, Soroptimist International initiated a pilot project in two colleges aimed at preventing child commercial sexual exploitation. There was a Drop-in Center where child victims of sexual abuse and exploitation could be rehabilitated.

Trafficking in Persons

The law prohibits trafficking in children, but it does not specifically mention trafficking in adults; in addition, a study commissioned in 2002 by the Ministry of Women, Development, and Family Welfare, UNDP, and the University of Mauritius estimated that there were approximately 2,600 child prostitutes in the country (see Section 5, Children).

Persons with Disabilities

There was no overt discrimination in employment, education, or in the provision of other state services against persons with disabilities, including mental disabilities; however, the law did not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs, and there was no law mandating access to buildings for persons with disabilities. The law requires organizations that employ more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The Constitution explicitly protects the right of workers to associate in trade unions, and there was an active trade union movement. Approximately 350 unions represented 115,000 workers. Many unions were small, having fewer than 1,000 members, and 10 major labor federations served as umbrella organizations for these smaller unions. With the exception of police, the Special Mobile Force, and persons in government services who were not public officers, workers were free to form and join unions and to organize in all sectors, including in the EPZ.

The Mauritian Labor Congress (MLC) asserted that union membership was low in the EPZ in part because employers in the EPZ intimidated employees and restricted access to union organizers (see Section 6.b.).

b. The Right to Organize and Bargain Collectively

The law protects the right of employees to bargain collectively with their employers, and workers exercised this right. The National Remuneration Board (NRB), whose chairman was appointed by the Minister of Labor, set minimum wages for nonmanagerial workers. Most unions negotiated wages higher than those set by the NRB. Approximately 13 percent of the labor force worked for national or local government.

The law provides for the right to strike, and workers exercised this right in practice. However, the Industrial Relations Act (IRA) requires a 21-day cooling-off period, followed by binding arbitration; in practice, this had the effect of making most strikes illegal. The Government has 21 days to respond to any labor dispute referred to the Ministry of Labor. If the Government does not respond within 21 days by referring the case either to the Permanent Arbitration Tribunal or to the Industrial Relations Commission, the proposed strike can be carried out. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

National labor laws covered EPZ workers; however, only 10 percent of EPZ workers were unionized. There are some EPZ specific labor laws, including the provision for 10 hours per week of mandatory paid overtime at a higher wage than for ordinary working hours. Some employers reportedly established employer-controlled work councils for workers in the EPZ, effectively blocking union efforts to organize at the enterprise level. Approximately 70,000 persons worked in the EPZ.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor outside the EPZ, including by children, and there were no reports that such practices occurred. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage.

According to the International Labor Organization's Committee of Experts, the Merchant Shipping Act contains provisions that were not compatible with international standards regarding forced labor. Certain breaches of discipline, such as by seamen, were punishable by imprisonment.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18; however, while the Government generally respected this law in practice, there were problems with child labor. According to the law, the penalties for employing a child are a fine of no more than \$72 (2,000 rupees) and a term of imprisonment not to exceed 1 year.

According to the Ministry of Women's Rights, Child Development, and Family Welfare, 1,600 children between the ages of 12 and 14 were employed or looking for work in 2000. Child labor in homes, on farms, and in shops was common on the island of Rodrigues.

Children unable to attend secondary school often sought apprenticeships in the trades. Vocational schools trained students who failed the primary education certificate exam at the end of the 6th year of primary education.

The Ministry of Labor is responsible for the enforcement of child labor laws and the investigation of reports of child labor abuses, and in practice, conducted frequent inspections. The Ministry employed 45 inspectors to investigate all reports of labor abuses, including those of child labor. During the year, there were 19 cases of child labor reported.

e. Acceptable Conditions of Work

The Government administratively established minimum wages, which varied according to the sector of employment, and

mandated that the minimum wage rise each year based on the inflation rate. The minimum wage for an unskilled worker in the EPZ was \$14 (398 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ was approximately \$20 (550 rupees) per week. These wages did not provide a decent standard of living for a worker and family, but the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. Minimum wages for employees in the distributive trade and catering sector were increased about 20 percent during the year. The standard legal workweek in the industrial sector was 45 hours. According to the MLC, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

The Government set health and safety standards, and Ministry of Labor officials inspected working conditions and ensured compliance with the law; however, the small number of inspectors limited the government's enforcement ability. Inspections were announced and unannounced. Voluntary employer compliance with safety regulations helped reduce the number of occupational accidents, with the Ministry of Labor reporting a general trend downward in the number of industrial accidents over the past 10 years. During the year, there were 652 occupational accidents, 21 of which were fatal. In 2003, there were 25 fatalities. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

In March, an amendment to the Labor code raised the penalty for workers who are abused, assaulted, threatened, or subjected to other offensive behavior in the workplace from \$72 (2,000 rupees) to \$2700 (75,000 rupees) and imprisonment not exceeding 2 years.

Since foreign workers often did not speak English, French, or Creole, it was difficult for them to demand their rights, which were the same as those of citizen employees, including the right to belong to a union. Illegal foreign workers, when identified, were deported.